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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09 647,705	11 07 2000	Kenji Sakamoto	IKU0104PUSA	2404
75	90 08/19/2002			
James N Kallis Brooks & Kushman Twenty Second Floor			EXAMINER	
			CHUNDURU, SURYAPRABHA	
1000 Town Center Southfield, MI 48075			ART UNIT	PAPER NUMBER
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2			1637	11.
			DATE MAILED: 08/19/2002	· Ų

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Advisory Action**

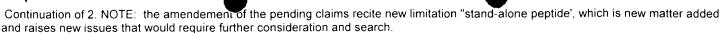
Application No.	Applicant(s)	
09/647,705	SAKAMOTO, KENJI	
Examiner	Art Unit	
Suryaprabha Chunduru	1637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 July 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]	
a) The period for reply expiresmonths from the mailing date of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is late no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	ter. Ir
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate exten fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate exten fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	nsion i; or
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.	
2. The proposed amendment(s) will not be entered because	
(a) They raise new issues that would require further consideration and/or search (see NOTE below);	
(b) <b>∑</b> they raise the issue of new matter (see Note below);	
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying t issues for appeal; and/or	the
(d) \( \subseteq \) they present additional claims without canceling a corresponding number of finally rejected claims.	
NOTE: <u>See Continuation Sheet</u> .	
3. Applicant's reply has overcome the following rejection(s):	
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendme canceling the non-allowable claim(s).	ent
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:	е
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.	
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.	
The status of the claim(s) is (or will be) as follows:	
Claim(s) allowed: none.	
Claim(s) objected to: <u>18</u> .	
Claim(s) rejected: <u>1-4, 18</u> .	
Claim(s) withdrawn from consideration:	
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.	
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	
10. Other: See Continuation Sheet	
JEFFREY FREDMAN PRIMARY EXAMINER	

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Continuation of 10. Other: the pending claims 1-4 and 18 stand rejected under 35 U.S.C. 102(b) and 103(a) as discussed in the previous office action (paper No. 12). The prior art of the record, Song et al. teach functional importance of active peptide variants with differences in size due to missing regions, for which Song et al. attributes functional improtance. Thus Song et al. teaches the the method of identifying such functioanally imprortant pepetide variants. Further, it is obvious to combine the teachings of Olsson et al. to develop a method of producing such variants, because based on the method of identifying the variant peptides it is bovious to produce such variants by modifying the teachings of Olsson et al. to achieve the expected advantage of developing a method to produce biologically active peptides. Thus the rejections are maintained herein.